

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RONNY DARNELL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-12-1065-M
)	
JUSTIN JONES, et al.,)	
)	
Defendants.)	

ORDER

On August 29, 2014, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that Defendants' Motion for Summary Judgment [Docket No. 96] be granted as follows: Plaintiff's claims for money damages against Defendants Justin Jones, Don Suttmiller, Michael Addison, Buddy Honaker, James Keithley, and Joel McCurdy in their official capacities should be dismissed without prejudice, and summary judgment should be entered for all defendants on all remaining constitutional claims. In addition, the Magistrate Judge recommended that Plaintiff's Motion for Summary Judgment [Docket No. 118], Motion for a Temporary Restraining Order or Preliminary Injunction [docket no. 107], and Motion for Production of Documents [docket no. 116] should be denied. Finally, the Magistrate Judge recommended that Plaintiff's requests to amend the Amended Complaint [Docket Nos. 97, 112] should be DENIED, other than permitting the substitution of current ODOC Director Robert Patton for former ODOC Director Justin Jones on all official-capacity claims in any further proceedings. The parties were advised of their right to object to the Report and Recommendation by September 15, 2014. Plaintiff timely filed her objection.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the well reasoned Report and Recommendation [docket no. 121] issued by the Magistrate Judge on August 29, 2014;
- (2) GRANTS defendants' motion for summary judgment [docket no. 96] as follows: any claims against defendants Justin Jones, Don Suttmiller, Michael Addison, Buddy Honaker, James Keithley, and Joel McCurdy in their official capacities seeking money damages are dismissed without prejudice, and summary judgment is entered for all defendants on all of plaintiff's remaining constitutional claims;
- (3) DENIES plaintiff's Motion for Summary Judgment [docket no. 118], Motion for a Temporary Restraining Order or Preliminary Injunction [docket no. 107], and Motion for Production of Documents [docket no. 116];
- (4) GRANTS in part and DENIES in part plaintiff's Motion for Leave to Amend [docket nos. 97, 112] as follows: the Court grants plaintiff's motion to the extent plaintiff seeks to substitute current Oklahoma Department of Corrections ("ODOC") Director Robert Patton for former ODOC Director Justin Jones on all official-capacity claims in any further proceedings and hereby substitutes ODOC Director Robert Patton for former ODOC Director Justin Jones; the Court DENIES plaintiff's motions to amend as to her other requests in her motions to amend; and
- (5) DECLINES to exercise supplemental jurisdiction over plaintiff's state-law negligence claim.

IT IS SO ORDERED this 24th day of September, 2014.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE